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COMMISSION

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By email and first-class mail

July 25, 2016

Jeff S. Jordan
Assistant General Counsel
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 7050
UNITE HERE Local 1
Political Action Committee

Dear Mr. Jordan:

Subject to the objection stated in my June 28 letter that UNITE HERE Local 1 ("Local 1") has not been notified that it is a respondent in this matter, I am responding on behalf of Local 1 and (non-existent) respondent UNITE HERE Local 1 Political Action Committee, to your letter dated July 7, which enclosed a June 30 email to your office from complainant Chris Smola, with attachments.

The Commission has no jurisdiction to notify any respondent of that email and to purport to accord any respondent a 15-day period during which to respond. As Mr. Smola explicitly acknowledges in his email, his communication is not "signed and sworn to by [him and] notarized, and ... made under penalty of perjury and subject to [18 U.S.C. § 1001,]" as 52 U.S.C. § 30109(a)(1) requires. That Mr. Smola originally filed a signed, sworn and notarized letter to the Commission, to which we have responded, does not relieve him of this statutory obligation as to any supplemental filing in this matter. Otherwise, a complainant could freely supplement his complaint without having to verify it as Congress required. Accordingly, Mr. Smola's email does not qualify as a "complaint" that the Commission may serve or that a respondent need address.

Subject to and without waiving that objection, in the interest of concluding this matter sooner rather than later we further respond as follows.

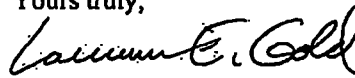
Mr. Smola's email does not allege or even suggest any violation of the Federal Election

Campaign Act ("the Act"), only his "suspicio[n]" about Local 1's "motivation" in allegedly acting in a manner that the Act does not regulate, namely concerning his status as a member of Local 1. If Mr. Smola is implying retaliation against him for filing his complaint, such conduct is simply not encompassed by the Act (salutary as it might be for the Act to reach it).

In any event, the accompanying declaration of Local 1's Treasurer – which, unlike Mr. Smola's email, *is* sworn – explains that Local 1's June 1, 2016 letter to Mr. Smola was the product of a clerical error and was immediately rectified before Mr. Smola even received the letter, and his membership status remains in effect without any lapse. Mr. Smola's email itself acknowledges that he "remain[s] actively employed ... and [is] not on withdrawal."

We respectfully reiterate our previous request regarding the Commission's disposition of this matter.

Yours truly,



Laurence E. Gold

Counsel for Respondent
UNITE HERE Local 1

cc: UNITE HERE Local 1

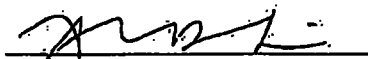
BEFORE THE FEDERAL ELECTION COMMISSION

MATTER UNDER REVIEW 7050

SECOND DECLARATION OF XIAO DAN LI

1. I am the Treasurer of UNITE HERE Local 1, whose offices are in Chicago IL. In that capacity my responsibilities entail familiarity with Local 1's business records and practices.
2. Due to a clerical error, Chris Smola was sent a withdrawal letter dated June 1, 2016. He was one of 130 members who was sent that same letter on that same date. The error was caught and remedied later that same day, before Mr. Smola received the withdrawal letter.
3. Mr. Smola remains an active member of UNITE HERE Local 1 with no lapse in that status.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on July 25, 2016.



Xiao Dan Li

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